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## WIRELINE COMPETITION BUREAU DISCLOSES CABLE COVERAGE THRESHOLD IN MEMORANDUM OPINION AND ORDER GRANTING QWEST CORPORATION FORBEARANCE RELIEF IN THE OMAHA METROPOLITAN STATISTICAL AREA

WC Docket No. 04-223

On September 16, 2005, the Commission adopted a Memorandum Opinion and Order granting Qwest Corporation (Qwest) forbearance from the obligation to provide unbundled loops and dedicated transport pursuant to sections 251(c)(3) in those portions of its service territory in the Omaha Metropolitan Statistical Area (MSA) where a facilities-based competitor has substantially built out its network.<sup>1</sup> The Commission also granted Qwest additional regulatory relief, including forbearance from the application of certain dominant carrier regulation to Qwest's provision of mass market switched access and broadband services.<sup>2</sup>

On July 18, 2007, Cox Communications, Inc. (Cox) filed its consent to the public disclosure of certain information identified as confidential in the *Qwest Omaha Order*, and waives any claim to confidentiality and authorizes disclosure of all information contained in: (1) the first citation following the second sentence of footnote 155; (2) the second sentence of paragraph 62; (3) the first and second sentence of paragraph 69; and (4) the third sentence of footnote 187.<sup>3</sup> Cox indicates that its waiver is limited to the identified passages of the *Qwest Omaha Order* and is further limited to the Commission's identification of the wire center coverage threshold.<sup>4</sup> Cox states that this waiver does not extend to any underlying data provided by Cox related to the Commission's determination of the appropriate threshold in the Omaha MSA.<sup>5</sup>

<sup>1</sup> *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, WC Docket No. 04-223, Memorandum Opinion and Order, 20 FCC Rcd 19415 (2005) (*Qwest Omaha Order*), *appeal dismissed in part and denied in part*, *Qwest Corp. v. FCC*, 482 F.3d 471 (D.C. Cir. 2007).

<sup>2</sup> See *Qwest Omaha Order*, 20 FCC Rcd at 19417, para. 2.

<sup>3</sup> Letter from J.G. Harrington and Jason E. Rademacher, Counsel for Cox Communications, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-223 at 1 (filed July 18, 2007) (Cox July 18, 2007 *Ex Parte* Letter).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* Cox further adds that it does not waive confidential treatment for any of the information it submitted to the Commission pursuant to the Protective Order entered in this docket, except as described above.

Accordingly, we hereby disclose that the confidential percentage in the first citation following the second sentence of footnote 155, the second sentence of paragraph 62, and the first and second sentence of paragraph 69 referenced by Cox is 75.<sup>6</sup> In the third sentence of footnote 187, the confidential percentages are 75, 25, and 75, respectively.<sup>7</sup> Because the confidentiality of these figures resulted from Cox's initial designation of certain underlying information as confidential, Cox's waiver of any confidentiality claim leads us to remove the confidentiality and non-disclosure protections of these data. Consistent with Cox's representations, we emphasize that the disclosure we make today is limited to the specific information cited in the Cox July 18, 2007 *Ex Parte* Letter.

For further information regarding this proceeding, contact Jeremy Miller, Wireline Competition Bureau, (202) 418-1580.

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<sup>6</sup> *Qwest Omaha Order*, 20 FCC Rcd at 19444, para. 59 n.155, 19446, para. 62, 19450-51, para. 69.

<sup>7</sup> *Id.* at 19451, para. 69 n.187.